

PATENT
Docket No.: CX03021USU (03CXT0033D)
Serial No.: 10/750,989

REMARKS

STATUS SUMMARY

Claims 1-50 are pending in the present application. Claims 1, 2, 10-16, 24-50 presently stand rejected. Claims 3-9 and 17-23 are objected to.

CLAIM REJECTIONS - 35 U.S.C. § 102

Claims 1, 2, 10-16, 24-50 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Fanous (U.S. Patent No. 6,586,996). Applicant respectfully traverses this rejection. In an Office Action dated, May 27, 2005, the Examiner rejected claims 1, 2, 10-16, and 24-36 as anticipated by Fanous. Applicant traversed the rejection and provided supporting arguments. The Examiner did not, however, respond to Applicant's arguments.

In response to the Examiner's rejection in the May 27, 2005 Office Action, Applicant argued that Fanous fails to teach "a controller in signal communication with the plurality of active circuits for powering up and down the active circuits for forming one or more desired signal distribution paths from an input signal-carrying input to one or more output signal-carrying outputs" as recited in claim 1. The Examiner did not respond to this argument in rejecting claims 1, 2, 10-16, 24-50 in the November 1, 2005 Final Office Action.

The Examiner stated that "AGC circuit 1406 may be read as a controller." See November 1, 2005 Final Office Action, pg. 3. Applicant respectfully submits that the Examiner does not address all of the elements in claim 1. Claim 1 recites "*a controller in signal communication with the plurality of active circuits for powering up and down the active circuits... .*" The Examiner asserts that Fanous teaches a "controller," but does not explain where Fanous teaches that the controller is "*in signal communication with the plurality of active circuits for powering up and down the active circuits... .*"

Applicant respectfully submits that Fanous does not teach "a controller" as recited in claim 1. The AGC circuit 1406 is described in Fanous 15:13-23 as follows:

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In FIG. 14, the amplification module 1402 includes a first stage device 1404, a self-contained AGC mechanism 1406, and second stage amplifiers 1408, 1410, and 1412. The AGC mechanism 1406 facilitates autonomous AGC control across the entire spectrum of set-top boxes and cable modems, as an example. The AGC mechanism 1406 is configured to produce a constant level for the output signal to each tuner as opposed to having the gain controlled by some other down-stream device. In this manner, the SNR of signals can be maximized to each tuner from the amplification module 1402.

This passage does not teach or suggest that the AGC mechanism 1406 is "in signal communication with the plurality of active circuits for powering up and down the active circuits..."

A rejection based on anticipation requires a showing that the asserted prior art reference teaches each and every element of the rejected claim. Applicant respectfully submits that the Examiner has failed to show that Fanous teaches every element of claim 1. Therefore, Fanous does not anticipate claim 1. Claim 1 is therefore in condition for allowance.

Claims 2, 10-16, 24-29 are dependent on claim 1. Therefore, claims 2, 10-16, 24-29 are also in condition for allowance.

Independent claim 31 recites "controlling the plurality of voltage followers by powering one or more of the voltage followers up or down to form one or more desired signal distribution paths from an input signal-carrying input to one or more output signal-carrying outputs" and independent claim 34 recites "means for controlling the plurality of voltage followers by powering one or more of the voltage followers up or down to form one or more desired signal distribution paths from an input signal-carrying input to one or more output signal-carrying outputs." Applicant respectfully submits that Fanous fails to teach or suggest either of these elements in claims 31 and 34. Because independent claim 31 and 34 are allowable, claims 32-33 and 35-40, which are dependent on claims 31 and 34, respectively, are also allowable.

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With respect to claim 41, Fanous does not teach an active splitter for splitting a plurality of received input signals. Fanous therefore does not anticipate claim 41. In addition, claim 42-50 are allowable as dependent on allowable claim 41.

Applicant respectfully submits that Fanous does not anticipate claims 1-50. Favorable reconsideration is respectfully requested.

CONCLUSION

In light of the above Amendments and Remarks, it is respectfully submitted that the present application is now in proper condition for allowance, and an early notice to such effect is earnestly solicited.

If any small matter should remain outstanding after the Patent Examiner has had an opportunity to review the above Remarks, the Patent Examiner is respectfully requested to telephone the undersigned patent attorney in order to resolve these matters and avoid the issuance of another Official Action.

Respectfully submitted,

Date: February 1, 2006

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